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5 **IN THE SUPREME COURT**  
**STATE OF ARIZONA**

6 )  
7 PETITION TO AMEND RULES 74, ) Supreme Court No. R - \_\_\_\_\_  
76, 79, AND 97, AND FORMS 2, 4, )  
8 5,7, AND 8; AND ADD FORM 16, ) Petition to Amend Rules 74, 76, 79, 97,  
ARIZONA RULES OF FAMILY ) and Forms 2,4,5,7 and 8; and Add Form  
9 LAW PROCEDURE ) 16, Arizona Rules of Family Law  
Procedure.

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11 Pursuant to Rule 28, Rules of the Supreme Court, the State Bar of Arizona  
12 petitions the Court to amend Rules 74, 76, 79 and 97, and Forms 2, 4, 5, 7 and 8,  
13 and to add Form 16, of the Arizona Rules of Family Law procedure, as reflected in  
14 Exhibit "A", and Exhibit "B" the attachments hereto.

15 **I. INTRODUCTION**

16 The original Arizona Rules of Family Law Procedure were proposed by  
17 the Arizona Supreme Court's Family Law Rules Committee and approved by the  
18 Court on October 19, 2005, with an effective date of January 1, 2006. Since then,  
19 two sets of amendments have been proposed by the Court's Family Law Rules  
20 Review Committee. The first set was approved as modified with an effective date

1 of January 1, 2008 (R-06-0022). The second set was approved as modified with an  
2 effective date of January 1, 2009 (R-07-0010). The Court's Family Law Rules  
3 Review Committee has been disbanded and the standing State Bar Family Law  
4 Practice and Procedure Committee currently has primary responsibility for  
5 reviewing the workability of the relatively new rules.

6 The Family Law Practice and Procedure Committee has met regularly  
7 since September 2006, and has made several constructive recommendations for  
8 rule changes, most of which were adopted in furtherance of the petition in R-07-  
9 0010. The committee's few remaining proposed changes are contained herein.

## 10 **II. SUMMARY OF THE PROPOSED AMENDMENTS**

### 11 **Rule 74. Parenting Coordinator**

12 The petition proposes to change paragraph J of the rule, which currently  
13 requires parties to object to parenting coordinator recommendations and orders  
14 entered thereon "within ten (10) days from the date the report and recommendation  
15 is submitted to the court." The problem is that parties often do not receive the  
16 court's order until after the time period for objection expires. Thus, the petition  
17 proposes that parties be permitted to object "not later than 10 days after the date of  
18 filing of the court's order." The petition also proposes adding a sentence to the  
19 comment to clarify that "[t]he 2009 amendment of paragraph J does not preclude a  
20

1 party from filing an objection to the recommendation of the parenting coordinator  
2 prior to the court acting on the recommendation.”

### 3 **Rule 76. Pretrial Procedures**

4 The petition proposes to add subdivision C(6) to provide that “[t]he parties  
5 may comply with this procedure by using the form of pretrial statement provided in  
6 Form 16.” The petition also proposes to add a new Form 16. Pretrial Statement,  
7 primarily to assist pro se litigants meet the requirements of this rule.

### 8 **Rule 79. Summary Judgment**

9 The petition proposes to change the response and reply times to 30 and 15  
10 days, respectively, to be consistent with recent changes made to the Rules of Civil  
11 Procedure.

### 12 **Rule 97. Forms**

13 The petition proposes to add Form 16. Pretrial Statement to the Index of  
14 Forms.

### 15 **Forms 2, 4, 5, 7 and 8**

16 The petition proposes to amend these forms to comply with HB 2505,  
17 passed by the legislature in 2008, concerning medical insurance for children.

1 **Form 16. Pretrial Statement**

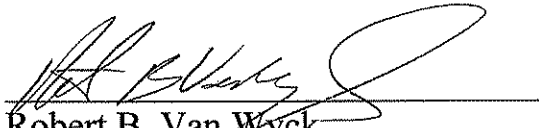
2 The petition proposes to add a new Form 16 to assist pro se litigants and  
3 others comply with Rule 76, which requires the parties to file a pretrial statement  
4 in preparation for trial.

5 **III. CONCLUSION**

6 Petitioner respectfully requests that the Court consider this  
7 petition and proposed rule amendments at its earliest convenience. Petitioner  
8 additionally requests that the petition be circulated for public comment in due  
9 course and that the Court adopt the proposed rules as they currently appear or as  
10 modified in light of comments received from the public, with an effective date  
11 of January 1, 2010..

12 Respectfully submitted this 24<sup>th</sup> day of November 2008.

13 State Bar of Arizona

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15   
16 Robert B. Van Wyck  
17 Chief Bar Counsel

18 Electronic copy filed with the  
19 Clerk of the Supreme Court of Arizona  
20 this 24<sup>th</sup> day of November 2008.

by: 